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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,769	11/05/2003	Hans-Ulrich Stauber	P56988	6343
43419 7590 01/08/2009 PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD SUITE 365 HOFFMAN ESTATES, IL 60195				
EXAMINER				
NICHOLSON III, LESLIE AUGUST				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
01/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/700,769

Applicant(s)

STAUBER, HANS-ULRICH

Examiner

LESLIE A. NICHOLSON III

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/24/2008 have been fully considered but they are not persuasive.

Applicant argues Muller does not disclose or suggest the collection drum having a collection drum end and a conveyor device in a transfer region arranged adjacent to the collection drum end or the collection drum end including an end of each of the first rests and the hub of the collection drum. In response, the collection drum (14) has a collection drum end (the bottom left end of the collection drum as shown in figure 1) and a conveyor device (comprising conveyor 40) in a transfer region arranged adjacent to the collection drum end. Adjacent is defined as "lying near, close, or contiguous; adjoining; neighboring" as defined by Dictionary.com Unabridged (v1.1). The collection drum end is arranged lying near or close to the conveyor device as shown in figure 1. Furthermore, the collection drum end (the bottom left end of hub 16) includes an end of each of the first rests (18) and the hub (16) of the collection drum (14), as shown in figure 1.

Applicant further argues, regarding independent claim 55, that Muller does not teach or suggest Applicant' recited conveyor device that is detached from the collection drum and arranged adjacent to the collection drum end in a transfer region. In response, claim 55 is dependent on independent claim 44 and does not recite such language.

Regarding claim 62, Applicant argues neither Muller nor Meier disclose Applicant's conveyor device arranged adjacent to the collection drum end of the collection drum and a conveyor unit that is detached from the collection drum. In response, Meier teaches portions 3 and 4 (fig.2) capable of rotating synchronously or at different rotational speeds in at least C4/L50-55. Therefore, and as evidenced by C5/L29-38, the products may be fed at stations 7 and 12 where portion 3 would be the collection drum, and the products would be conveyed away by the conveyor device 18' which is part of portion 4, while portions 3 and 4 are detached.

Regarding claim 46, see ¶15.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 44,45,47,49-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller USP 5,562,278.

Muller disclose a device comprising:

- A collection drum (14) rotatably drivable about a drum axis (12) and including a hub (16) and a plurality of first rests (18) with first saddles (20)
- the first rests (18) being uniformly distributed over the circumference and longitudinally extending parallel to the drum axis (C3/L33-36)

- the collection drum having a collection drum end comprising an end of each of the first rests and the hub (fig.1)
- a conveyor device comprising a revolving conveyer (40) including a plurality of second rests (42) with second saddles (52) arranged transversely to a conveying direction
- the conveyor device comprising a frame supporting the revolving conveyer (inherent, if not disclosed; the conveyor device is not resting directly on the ground)
- the conveyor device in a transfer region arranged adjacent to the collection drum end (fig.1)
- wherein the conveyor device comprises a deflection member on which the second rests are disposed, the deflection member forming a circular conveyor arc matching a circular collection drum arc in the transfer region (fig.1)
- wherein the second rests are movably supported on rails (C10/L66 – C11/L4)
- at least one working station, selected from inserting stations, binding stations (82), adhering stations (74), or further collection stations is disposed in combination with the conveyor device (fig.5,7) (C9/L11-18)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 46,48,56-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller USP 5,562,278 in view of Meier USP 5,657,978.

Muller discloses all the limitations of the claims (see ¶3) and further discloses conveyor elements (34) in combination with the collection drum (fig.2), the second saddles arranged distanced to one another and arranged transversely to the conveying direction and the axial and conveyor directions are essentially perpendicular to one another at least in the transfer region (fig.1,2), does not expressly disclose the conveyor device being detached from the collection drum or no part of the collection drum is an integral component of the conveyor device.

Meier teaches the conveyor device being detached from the collection drum and no part of the collection drum is an integral component of the conveyor device for the purpose of allowing portion to rotate at different speeds (C4/L50-63, C5/L29-38).

At the time of invention it would have been obvious to one having ordinary skill in the art to have the conveyor device detached from the collection drum and no part of the collection drum is an integral component of the conveyor device, as taught by Meier, in the device of Muller, for the purpose of allowing portion to rotate at different speeds.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE A. NICHOLSON III whose telephone number is (571)272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651

/L. A. N./
Examiner, Art Unit 3651
12/30/2008